

REMARKS

Claims 1-101 are currently pending. Claims 2, 6, 8, 11, 17, and 22-26 have been amended. Claims 2, 8, 11, and 22-24 have been amended to depend from claim 6 instead of claim 1. Support for the amendments to claims 24-26 can be found in the Specification in ¶89. Claim 6 has been amended so that terms in the claim have proper antecedent basis. No new matter has been added by these amendments.

The Office has required an election between the following groups of claims:

Group I (claims 1-2 and 8-26) directed to methods for producing compositions (class 435, subclass 41);

Group II (claims 3-6) directed to methods for separating and isolating oocysts (class 435, subclass 41);

Group III (claim 7) directed to a method for isolating oocysts by tangential flow filtration (class 435, subclass 41);

Group IV (claims 27-74) directed to methods for inducing sporulation of oocysts (class 424, subclass 71.1);

Group V (claim 75) directed to a method for sterilizing oocysts (class 426, subclass 56);

Group VI (claims 76-85) directed to methods for monitoring the sporulation of oocysts (class 435, subclass 3);

Group VII (claims 86-95) directed to compositions for storing sporulated oocysts (class 424, subclass 184.1); and

Group VIII (claims 96-101) directed to methods for storing sporulated oocysts (class 426, subclass 310).

Reconsideration of the restriction requirement is respectfully requested. According to 35 U.S.C. §121, a restriction is proper only if there are at least two independent and distinct inventions. Furthermore, "[i]f the search and examination of an entire application can be made **without serious burden**, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."¹

In this case, restriction is not proper. The claims of Group I have elements in common with claim 6 of Group II. In particular, both claims 1 (from Group I) and claim 6 (from Group II) are directed to a method for producing a composition for the prevention or control of coccidiosis comprising: collecting manure from host animals wherein said manure contains oocysts known to cause coccidiosis; diluting said manure in an aqueous medium to create a slurry; separating unwanted fecal matter from said slurry and collecting the aqueous fraction containing oocysts; subjecting said aqueous fraction to solid/liquid phase centrifugal-based separation and collecting the solid phase; combining a dense aqueous liquid with said collected solid phase wherein said dense liquid has a density greater than about 1.09 g/ml and wherein the oocysts are buoyant; subjecting the combination of said dense aqueous liquid and collected solid phase to centrifugation and collecting the dense liquid fraction containing oocysts; diluting said dense liquid fraction to a specific gravity wherein the oocysts are no longer buoyant; separating oocyst solids from the liquid fraction and re-

¹ MPEP §803 (emphasis added).

collecting the solid phase. The method of claim 1 in fact encompasses entirely the method of claim 6; claim 1 states that the separation of oocyst solids from the diluted liquid fraction is by centrifugal-based separation, whereas claim 6 specifies that oocyst solids are separated from the liquid fraction by means of a hydrocyclone (which is a centrifugal-based separation technique). Additionally, applicants note that both Group I and Group II claims have been classified in class 435, subclass 41. Thus, Group I and Group II claims may be searched and examined together without undue burden in accordance with MPEP §803.

Subject to the foregoing traverse, the claims of Group II (claims 3-6) are elected for examination in this application. Additionally, in light of the amendments to the claims presented herein, claims 2, 8-13, and 17-26 now depend directly or indirectly from independent claim 6. Therefore, applicants respectfully request that claims 2, 8-13, and 17-26 also be examined along with the Group II claims.

In the event that applicants elect Group II, the Office has further required an election of species between type of separation technique selected from (1) centrifugation and (2) hydrocyclone.

Initially, applicants respectfully note that separation is mentioned at several points in the methods of the claims of Group II. For instance, claims 5 and 6 refer to "separating unwanted fecal matter from said slurry," and also to

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"solid/liquid phase centrifugal-based separation".¹ Applicants assume the Office is asking for an election of a species of centrifugal-based separation, since centrifugal-based separation encompasses both separation by centrifugation and separation by hydrocyclone. In light of the foregoing assumption, applicants elect (2) hydrocyclone as the centrifugal-based separation technique. Claims 1-18 and 22-26 read on the elected species.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully submitted,

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¹ Claim 5 specifies that the centrifugal-based separation is by means of a hydrocyclone. Claim 6 also refers to "separating oocyst solids from said liquid phase by means of a hydrocyclone".